REMARKS

This is intended as a full and complete response to the Final Office Action dated December 7, 2007, having a shortened statutory period for response set to expire on March 7, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-4, 12-24, and 26-28 are pending in the application. Claims 1-4, 12-24, and 26-28 remain pending following entry of this response. Claim 12 has been amended. Applicants submit that the amendments do not introduce new matter.

Claim Objections

Claim 12 recites the limitation, "wherein the data object is identified by a set of identifying parameters.... wherein the selection is based, at least in part, on a set of identifying parameters identifying the data object to be annotated... creating an index based on the set of identifying parameters". The Examiner states that it is not clear if it is a new instance of "set of identifying parameters" or a reference to the original set of identifying parameters.

Applicants have made correcting amendments and withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Gupta et al.* (US Patent 6,956,593, hereinafter "*Gupta*").

Applicants respectfully traverse this rejection.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9

USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Gupta* does not disclose "each and every element as set forth in the claim". For example, *Gupta* does not disclose "selecting an annotation structure from a set of annotation structures, each annotation structure defining one or more annotation fields, wherein the selection is based, at least in part, on the set of identifying parameters identifying the data object to be annotated." The Examiner argues that *Gupta* discloses "selecting an annotation structure from a set of annotation structures, each annotation structure defining one or more annotation fields" at Figures 7-11 and column 12, lines 44-46. However, the figures are directed to allowing a user to add a new annotation. Similarly, the cited passage is in fact directed to a dialog box which allows a user to create a new annotation. The cited passage says nothing about selecting an annotation structure from a set of annotation structures. In fact, *Gupta* does not disclose a set of annotation structures.

The Examiner also argues *Gupta* teaches "wherein the selection is based, at least in part, on the set of identifying parameters identifying the data object to be annotated" at Figure 7, column 11, lines 25-51, column 12, lines 60-64 and column 13, lines 11-32. Figure 7 is directed to a graphical user interface for a user to create a new annotation. Column 11, lines 25-51 is directed to a user selecting a temporal point within a media file to create an annotation. Column 12, lines 60-64 is directed to allowing a user to associate an annotation with a named set of annotations. Column 13, lines 11-32 is directed to allowing a user to summarize, title, email, and select the type of the annotation (such as graphics, video, etc.). None of these passages teach "wherein the selection is based, at least in part, on the set of identifying parameters identifying the data object to be annotated."

The Examiner rejects Applicants' arguments in the previous Response to Office Actions by making a few arguments. Applicants traverse these arguments. First, the Examiner points out that the target of the annotation may be changed. *See Final Office Action*, page 11. *Gupta* can change the target of the annotation, however this is irrelevant to the claim language. "Target" is defined as the media stream to which an

annotation is associated. *See* column 13, lines 43-45. Changing the target of the annotation just means the user can select what is to be annotated, which is not selecting an <u>annotation structure from a set of annotation structures</u> ... wherein the selection is based ... on a set of identifying parameters. The structure of the annotation is not selected, only what object the annotation is associated with is selected. Second, the Examiner argues that the temporal range of the media content, defined as a beginning point and an ending point, is a set of identifying parameters. *See* Final Office Action, page 12. However, while these beginning and ending points may identify *where* in the data object to associate the annotation, they do not identify *the* data object to be annotated. Third, the Examiner argues Gupta teaches that selections of annotation structures are based on an annotation type selector, such as text annotations, audio annotations, a URL annotation and a beginning and end point for annotations. Id. However, these are what type of information, be that information text, audio, or a URL, is used to create the data contained within an annotation. The annotation structure is not being selected from a set of annotation structures. Thus, *Gupta* does not teach "selecting an annotation structure from a set of annotation structures, each annotation structure defining one or more annotation fields, wherein the selection is based, at least in part, on the set of identifying parameters identifying the data object to be annotated."

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-4, 21-24, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Altman* (US Pub 2004/0163042) in view of ESP (Electrical Schematics Page, April 25, 2002, http://www.jlab.org/accel/inj_group/elec1.htm).

The Examiner takes the position that *Altman* teaches "providing, via the annotation management system, one or more interfaces for manipulating annotations for the annotatable data objects, a set of annotation structures each defining a set of annotation fields, and an annotation server configured to receive requests to access

annotations for one or more of the annotatable data objects issued by at least one of the plurality of applications on the network, wherein the annotation server is further configured to generate, based on an annotation structure associated with the one or more annotatable data objects, the one or more interfaces for creating or viewing annotations."

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the third criteria.

The Examiner rejected Applicants' arguments in the Response to Office Action dated March 28, 2007 that *Altman* does not teach any different types of interfaces depending on a type of data object being annotated. *See* Final Office Action, page 13. The Examiner argues that 'different types of interfaces depending on a type of data object being annotated' is not recited in the claim. However, the claim language reads "providing ... one or more interfaces for manipulating annotations for the annotatable data objects ... wherein the annotation server is further configured to generate, based on an annotation structure associated with the one or more annotatable data objects, the one or more interfaces." This claim language recites that the one or more interfaces are generated based on an annotation structure associated with the data objects. Therefore, different types of interfaces are generated depending on a type of data object being annotated. *Altman* does not teach generating different interfaces depending on a type of data object being annotated. Furthermore, the cited passages in *Altman* do not teach different types of annotation fields, nor the use of different types of annotation structures as claimed.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

<div align="center">Conclusion</div>

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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